

IFW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Gao et al.		
Serial No.:	10/624,414	Case No.:	20329YDD
Filed:	July 21, 2003		Art Unit: 1624
For:	SPIRO-INDOLINES AS Y5 RECEPTOR ANTAGONISTS		Examiner: K. Habte

Assistant Commissioner for Patents  
BOX APPLICATIONS  
Washington, D.C. 20231

RESPONSE

Sir:

This is in response to the Office Action of April 21, 2004, for which a response is due by May 21, 2004. This response is filed prior to the date of May 21, 2004 response date. The Examiner is respectfully requested to consider the accompanying remarks.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Bachell Brown Date 5/20/04



PATENT  
CASE NO. 20329YDD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

In re application of: Gao et al.  
Serial No. 10/624,414  
Filed July 21, 2003  
Group Art Unit 1624  
Examiner K. Habte  
For: SPIRO-INDOLINES AS Y5 RECEPTOR ANTAGONISTS

Transmitted herewith is an amendment in the above-identified application.

- ☒ No additional fee is required.  
☐ The fee has been calculated as shown below.

CLAIMS AS AMENDED

(1)	(2) Claims remaining after amendment	(3)	(4) Highest Number Previously Paid For	(5) Present Extra	(6) Rate	(7) Additional Fee
Total Claims	* <u>27</u>	-	** <u>27</u> =	<u>0</u> X	\$18	= <u>0.00</u>
Independent Claims	* <u>1</u>	-	*** <u>3</u> =	<u>0</u> X	\$86	= <u>0.00</u>
Multiple Dependent Claims					\$290 ****	= <u>        </u>
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						0.00

- \* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.  
\*\* If the "Highest Number Previously Paid For" in this space is less than 20, write "20" in this space.  
\*\*\* If the "Highest Number Previously Paid For" in this space is less than 3, write "3" in this space.  
\*\*\*\* Add this fee only if application is amended to include multiple dependent claims (regardless of number) and no multiple dependent claims were originally filed.

Charge \$ 0.00 to Deposit Account No. 13-2755. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

**MERCK & CO., INC.**  
By Barbell Brown Date 5/20/04

Respectfully,

Barbell Brown

By: BAERBEL R. BROWN

Attorney          for Applicant(s)

Reg. No. 47,449

MERCK & CO., INC.  
Patent Dept., RY60-30  
P.O. Box 2000  
Rahway, N.J. 07065-0907

(732) 594-0672

Date: May 20, 2004

IN DUPLICATE

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents,  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Prior Application:

Examiner	K. Habte
Art Unit	1624

Sir: This is a request for filing a ☐ Continuation ☒ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 10/228,250

August 26, 2002

(DATE)

of Ying-Duo Gao, Douglas J. MacNeil, Lihu Yang, Nancy R. Morn, Takahiro Fukuroda, Akio Kanatani, Takahiro Fukuroda, Yasuyuki Ichi, and Masaki Thera

(INVENTOR)

for SPIRO-INDOLINES AS Y5 RECEPTOR ANTAGONISTS

(TITLE OF INVENTION)

1. The enclosed comprises a copy of prior application Serial No. 10/228,250

, as filed on

August 26, 2002

The entire disclosure of this prior application is hereby incorporated by reference.

2. The filing fee is calculated below:

## CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

Estimated Fee

FOR	NUMBER FILED			NUMBER EXTRA		RATE	FEE	
Total Claims	27	-	20	7	x	\$18	\$126	
Independent Claims	1	-	3	0	x	\$84	\$0	
*Multiple Dependent Claims						\$280		
Basic Fee (minimum amount required)							\$750	
* Add this fee if application contains any multiple dependent claims, regardless of number.							\$876	Total Fee

3. The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

4. ☐ Amend the specification by inserting before the first line the sentence:

-- This is a ☐ continuation, ☐ division of application Serial No. \_\_\_\_\_,  
filed \_\_\_\_\_.

5. ☐ Cancel in this application original claims: \_\_\_\_\_.

6. ☒ Preliminary amendment enclosed.

7. ☐ Information Disclosure Statement/PTO-1449 enclosed.

8a. ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

8b. ☐ New formal drawings are enclosed.

9a. ☐ Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_,  
in \_\_\_\_\_ is claimed under 35 U.S.C. 119.

(COUNTRY)

9b. ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_,  
filed \_\_\_\_\_.

10. ☒ The prior application is assigned to Merck & Co., Inc. & Banyu Pharmaceutical Co., Ltd.

11. ☒ The undersigned attorney or agent has:

a. ☐ Power in the prior application as originally filed.

b. ☒ Associate power, copy enclosed.

## EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT July 21, 2003

EXPRESS MAIL NO. EV321983299US

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS  
EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE  
DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR  
PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450.

MAILED BY Lone Schepise DATE 7/21/2003

Respectfully,

Baerbel R. Brown

By: BAERBEL R. BROWN

Attorney \_\_\_\_\_ for Applicant(s)

Registration No. 47,449

Telephone: (732) 594-0672

Address: Merck & Co., Inc.  
Patent Department  
P.O. Box 2000 - RY60-30  
Rahway, N.J. 07065-0907

Date: July 21, 2003

IN DUPLICATE

Enclosure



THE PATENT & TRADEMARK OFFICE ACKNOWLEDGES, AND HAS  
STAMPED HEREON, THE DATE OF THE RECEIPT AND THE ASSIGNED  
SERIAL NUMBER OF THE FOLLOWING PATENT APPLICATION:

CASE NUMBER 20329YDD	✓ DATE 7/21/2003	ATTORNEY BRB/agb	EXPRESS MAIL <input checked="" type="checkbox"/> EV321983299US
TITLE Spiro-Indolines as Y5 Receptor Antagonists			
INVENTORS Ying-Duo Gao, Douglas J. MacNeil, Lihu Yang, Nancy R. Morin, Takehiro Fukami, Akio Kanatani, Takahiro Fukuroda, Yasuyuki Ishii, and Masaki Ihara			
NO. OF PAGES 126	NO. OF CLAIMS 27	PAGES OF DRAWING None	
DECLARATIONS Yes		ACCOUNT CHARGE 13 - 2755 \$ 876.00	

21910 U.S. PTO  
10/624414  
07/21/03

F1071.3 REV.9/93